

**MINUTES  
IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND  
PROGRAM**

**September 28, 2006**

**COMMISSIONER'S CONFERENCE ROOM  
IOWA INSURANCE DIVISION, 330 EAST MAPLE STREET  
DES MOINES, IOWA**

Angela Burke Boston, sitting in for Susan Voss as Chairperson, called the Iowa UST Board meeting to order at 10:00 A.M. A quorum was present. Roll call was taken with the following Board members present:

Cathy Rottinghaus (via telephone)  
Delia Meier (via telephone)  
Liz Christiansen (for Jeffrey Vonk)  
Stephen Larson (for Michael Fitzgerald)  
Doug Beech  
Jim Holcomb (arrived at 10:10 A.M.)  
Jeff Robinson

Also present were:

David Steward, Attorney General's Office  
Scott Scheidel, Program Administrator  
Lacey Skalicky, Program Administrator's Office  
James Gastineau, Program Administrator's Office

**APPROVAL OF PRIOR BOARD MINUTES**

The minutes from the August 24, 2006 meeting were reviewed. Ms. Christiansen moved to approve the minutes, Mr. Beech seconded the motion, and by a vote of 5-0, the minutes were approved.

**CLOSED SESSION**

Ms. Burke Boston noted there were no matters dealing with litigation for discussion in closed session pursuant to Iowa Code Chapter 21. Therefore no closed session convened.

## **PUBLIC COMMENT**

Ms. Burke Boston requested any comments from the public present. There were no comments at this time.

## **BOARD ISSUES**

### **A. 2007 Goals Defined**

Mr. Scheidel presented a memo to the Board outlining their goals for fiscal year 2007, as discussed at the Annual Strategic Planning Session meeting in August. The following goals were discussed. 1) The Board set a goal of 188 net claims closed by the end of fiscal year 2007, which was 25% more than the Department of Natural Resources' (DNR's) United States Environmental Protection Agency (USEPA) goal for closed LUST sites for 2006. This number was subject to change after the DNR would be notified of their current year USEPA goal. 2) The Board set an activity goal of 150 memoranda of understanding entered into representing the movement of sites toward closure. 3) The Board set a goal to perform a regulatory review of Program rules once every 2 years beginning January 2007. 4) The Board set a goal that by September 2006, they would receive a timeline outlining the development of the discussions regarding the recalibration of RBCA Model software. 5) The Board set a goal that by December 2006, they would receive a joint report from the Administrator and the DNR regarding the potential use of a risk transfer mechanism for closed LUST sites to provide DNR with insurance to address LUST changes after the closure of the Iowa UST Fund claims for such sites.

Mr. Scheidel presented the defined goals to the Board and offered to revisit the list quarterly to monitor their progression. Ms. Christiansen moved to adopt the 2007 goals, and Mr. Larson seconded the motion. Approved 5-0.

*Mr. Holcomb arrived at 10:10 A.M.*

### **B. LPT Pros and Cons**

Mr. Scheidel provided the Board with a memo discussing the pros and cons for interested parties involved in a potential loss portfolio transfer (LPT) of claims, which were currently shared between the Iowa UST Fund and Petroleum Marketers Management Insurance Company (PMMIC). Tom Norris from PMMIC had been working with Mr. Scheidel to develop terms of such a transfer of a limited number of sites. At the last Board meeting, Board members requested a list of pros and cons for each of the interested parties, including the Board as seller, PMMIC as buyer, and the claimants of each.

Mr. Beech inquired if the Insurance Division still had questions or concerns about the terms of the transfer. Ms. Burke Boston summarized saying that Jim Armstrong of the Insurance Division was comfortable with the concept of the LPT, however he had concerns about the formula and the total dollar amount of the transfer and the resulting effect on PMMIC's reserves. Mr. Larson inquired whether the Insurance Division would provide any alternative formula with which they would be comfortable. Ms. Burke Boston explained that the Insurance Division would only

require that the parties involved rework the formula for the Division's consideration. Mr. Scheidel pointed out that in his opinion it would be in the Board's and PMMIC's best interest to work out the formula together and get the Insurance Division to sign off on it. And Mr. Scheidel explained that the goal of the Board issue today was to decide if the Board was in favor of the idea of the LPT subject to an agreement on the formula and the dollar amount of the transfer yet to be determined. Mr. Robinson stated that if it would cost less money to the Board to keep the claims on the State's register, then it would make sense to keep the claims and not enter into a transfer agreement. He stated the plan presented in August showed the Board how much money it would cost PMMIC to take the set of claims, but no one worked out the cost to the Board to keep the claims. If the difference was notably different, Mr. Robinson did not see the logic of such a transfer. And because the actual cost would not be known until all those claims were closed, Mr. Robinson explained that if the best information available says it is cheaper to keep the claims in the Fund, then the Board should keep them. However, he also said that if that issue could be resolved, he was hopeful that a LPT could work for the Board.

Mr. Holcomb stated he was not as concerned about getting additional bids for a LPT of these claims, as he was about the process. He wondered if a standard LPT process of analysis existed, or how could the Board and PMMIC approach the formula of the transfer without taking advantage of either side and obtain the blessing of the Insurance Division. Ms. Burke Boston stated that the Board should consider whether or not they want to move forward with the concept before analyzing the cost of a transfer.

Mr. Scheidel referenced the pros and cons memo, and inquired whether or not the memo answered the Board's questions about the concept of the LPT. He mentioned one of the pros for the Board was that this limited LPT would provide the Board with a practice run, in case a LPT for a larger set of claims becomes a viable and useful option to close out the Iowa UST Program in the future. Experience with the process and the resulting data after the fact would provide the Board with much information about what worked well with the LPT process and what didn't work well.

Mr. Larson stated that pursuant to rule, the Board should have a reasonable period of time to review a proposal for an LPT, and he requested that before moving forward PMMIC should provide the Board members with a formal proposal for their review. Mr. Scheidel explained that the idea of the LPT had been jointly developed between PMMIC and the Administrator's Office, however a formal proposal from PMMIC could be obtained.

Mr. Scheidel reviewed the language in the rules regarding the requirement of multiple bids, and the rules clearly allowed the Board to opt not to seek multiple bids where practicable. He stated the inherent benefit with the LPT at hand was to move the claims to one funding source for ease of handling for all of the parties involved. Also, Mr. Steward explained that a statement of practicality of the potential LPT with PMMIC was included in the draft of the agreement to further underscore the fact that the concept of multiple bids was considered and deemed not practicable rather than disregarded without due diligence.

After discussion, the Board agreed to allow the Administrator's Office and representatives from PMMIC to continue negotiations, and the Board expected to receive a formal written proposal

from PMMIC to vote on at a future meeting. Mr. Scheidel summarized that the Board was comfortable with the LPT concept and was willing to move forward with the negotiations of the agreement to reach an appropriate dollar amount of the transfer which would satisfy the Insurance Division.

**C. RBCA Changes Timeline and Discussion**

Mr. Scheidel presented a memo to the Board outlining the issues surrounding the DNR's risk based corrective action (RBCA) process and the potential changes to the process. He explained that since the August meeting of the Board, he had convened a planning meeting with Elaine Douskey of DNR and Tom Norris of PMMIC to discuss an approach and a timeline toward any potential changes to the RBCA model. They planned to convene a larger advisory group consisting of representatives from the following: Administrator's Office, DNR LUST Section, PMMIC, two consulting firms (Barker Lemar & an EPI-selected firm), Jeff Hove of Petroleum Marketers and Convenience Stores of Iowa (PMCI), Jill Reams-Widder of Casey's, Mike Gannon of DNR's Water Department. This group met on September 22, 2006 with LaDon Jones, who had developed the original RBCA model. At the meeting, Mr. Jones had discussed the development of the model and the assumptions that went into it. He had confirmed that the model tended to be over-predictive with regard to the size of the simulated plume projected, and he had good ideas on how to recalibrate the model according to actual data from a number of sites and the actual plumes observed at those sites over time.

Mr. Scheidel stated the planning group had also set a timeline to develop the recommended scope for a request for proposal (RFP) by December 1, 2006, and to issue the RFP by January 5, 2007. The target date for implementation of the changes was set for June 30, 2007.

Regarding funding, Mr. Scheidel requested the Board approve initial authorization up to \$5,000 for expenditures related to the recalibration of the RBCA model. The only expense was that of LaDon Jones' hourly rate of \$85 for his expertise, and Mr. Scheidel stated that PMMIC had committed to contribute to the funding effort as well. Mr. Holcomb inquired about the PMMIC contribution. Pat Rounds from PMMIC explained to the Board that the recalibration of RBCA would ultimately provide a greater benefit to PMMIC, and they had decided to wait to see how the process progressed and how much funding would be required before limiting their contribution.

Mr. Holcomb made a motion to approve the funding authority of \$5,000 toward the RBCA recalibration effort, and Ms. Christiansen seconded the motion, which was approved 6-0.

**D. DNR Update**

**i. Potential Private Water Well Authority**

Dave Wornson from the Department of Natural Resources (DNR) presented a memo to the Board regarding the Board's request that DNR use their broad authority to regulate private wells for public safety and the environment, which would assist with the closure of claim sites. Mr. Wornson stated he had conducted research regarding the topic to explain the DNR's position on

how to use their authority to require a private well owner to close their water well where there was a risk of contamination and a funding source to provide the well replacement or connection to another water source. He explained that the DNR had rules which allowed them broad authority generally, as well as, a very clear authority to implement rules regarding the construction and permitting of private water wells, and the DNR delegated their authority to county governments through 28E agreements. However, he stated the DNR did not possess any expressed authority to govern the operation of private wells. At the same time, he stated that a general statement within their rules said the DNR was the agency responsible for regulating private water wells for the protection of public health and the environment. A further complication was a rule that gave the DNR explicit authority to close abandoned water wells. He stated that abandon wells were defined as out of use or in such disrepair they could not be used, however the rule did not define them as wells that should not be used due to risk to public health, etc. DNR staff had concluded that the DNR did have some authority to regulate and require the closure of private water wells, depending on the degree of the threat to public health and the environment. However, Mr. Wornson recited a portion of the Groundwater Protection Act stating that “all persons in Iowa have the right to [have their] lawful use of groundwater unimpaired by activities of any person which would render the water unsafe or unpotable.” Mr. Wornson characterized the language in the act as legislative policy which favors remediation of contamination rather than requiring closure of private wells.

To compromise the two somewhat conflicting rules, Mr. Wornson explained that the DNR would consider an impacted water well as one they could enforce their closure authority upon, however a water well within a simulated plume, which may or may not ever be impacted by contamination based on the determined over-predictability of the current model, would not present a situation on which the DNR could enforce closure authority. When weighing the interest of choosing a cost-effective remedy for contamination and taking away the well owner’s right to private groundwater, the DNR would favor the rules which protect the rights of well owners. Therefore, Mr. Wornson stated that if the DNR were to adopt a policy with regard to their well closure authority, they would want to adopt a very narrow policy, which would consider whether clean up of the source was technically feasible over the cost-effectiveness of removing the receptor.

Mr. Wornson referenced general case law which had continued to support the broad authority of municipalities to require closure of private wells in order to protect the aquifer used for the public water supply. He suggested the Board approach municipalities with the idea to develop a policy to enforce an ordinance requiring private water wells to be closed, as all private water wells in the affected area would have to be required closed to result in an institutional control in the DNR RBCA model.

He addressed the idea that DNR enforcement of their water well closure authority was a regulatory “taking” from citizens. He stated the case law had indicated that such use of authority did not constitute a “taking” action, as the economic deprivation was relatively low, and a water replacement option would always be offered in these cases. He didn’t feel this was a significant issue.

Doug Beech explained that he felt that private citizens, who currently had access to clean drinking water through a city or rural system and still refused to connect and close their wells, were benefiting from the fact that the cities would not implement an ordinance and the DNR would not enforce their authority. He suggested that no regulatory entity enforced on these citizens because the Iowa UST Fund was on the hook to pay for the much more expensive alternative to well closure. He stated he felt that all should come to an agreement on a more cost-effective policy with regard to this recurring problem.

Mr. Wornson replied that the purpose of his presentation today was to report on his analysis of such a policy, which he had reported to be problematic given the current DNR regulations. Mr. Beech inquired if the DNR would be agreeable to discuss a proposed change to those regulations. He stated the regulations were amendable if the desire to change them existed.

Mr. Scheidel and Mr. Gastineau outlined certain efforts that had been discussed to encourage well owners to close their wells, including the commission of water well sampling to present well owners with the resulting data showing any potentially threatening levels of contaminants in their well water including, but not limited to, any petroleum contaminants. Other source contamination could assist well owners with their decisions with regard to well closure, especially if the Iowa UST Fund were offering to fund the closure and water system hook up. Mr. Scheidel emphasized that DNR involvement in such a practice would show well owners that everyone shared a collective concern regarding water wells and public and environmental health. Ms. Christiansen stated that she felt a role for the Department of Public Health existed with regard to this issue, as well. Mr. Scheidel agreed saying that the cities should support the effort as well, and he suggested requesting assistance from the Iowa League of Cities to get out this message. If the League of Cities pushed the issue, he questioned, what would the Department's response be?

Mr. Wornson pointed out that another element, blocking a well owner's willingness to close their wells, was the fact that their well water was free and hook up to public water – although paid for by the Iowa UST Fund – would require continued payment of maintenance fees to the public water supplier. Mr. Scheidel agreed stating that in the past the Board had exercised their discretion to offer well owners a certain amount of funds to pay their water bills for a particular period of time, and the Board would continue to use their discretion to make similar offers to move sites toward closure, if the circumstances were optimal.

Mr. Beech inquired if Mr. Wornson had an opinion about the labels and requirements associated with non-drinking water wells as opposed to drinking water wells, alluding to the fact that the DNR requirements were equally stringent for each. Mr. Wornson stated that the policy regarding water wells was developed by a technical advisory committee of groundwater professionals at the DNR. Mr. Beech inquired whether or not the Board would find merit in re-convening such a committee to review the requirements of each. Mr. Scheidel stated that the advisory group that had met regarding a potential recalibration of RBCA had discussed a renewed consideration regarding the target levels with regard to certain receptors. Mr. Scheidel said he looked forward to the outcome of future advisory group discussions.

## **ii. General Program Update**

Paul Nelson from the UST Section of the DNR discussed the status report of current DNR activities. He stated that DNR staff had authored and shared some articles regarding the Energy Policy Act provisions, as well as, inspector certification and training information with PMCI for their upcoming publication of *Oil Spout*. Also the DNR planned the release of a newsletter to owners and operators of underground storage tanks (UST's) in mid-October. He said the first inspector training session was to be held November 14, 2006 at the Botanical Center, and more information would be on the DNR website within the next week. He explained that DNR staff had met with PMMIC staff to discuss an electronic format for completed inspection submissions.

Mr. Nelson thanked the Board for the budget assistance they had provided over the past several years for the completion of report reviews. He stated that the temporary staff financed by the Board for the past several months had completed 448 report reviews for the LUST Section, and now that the LUST staff had been reduced by almost ½, he expected the review rate to slow. The DNR might have to consult their prioritization policies to determine which reports should be reviewed first.

He stated the DNR had passed their federal fiscal year goal for 2006 for closed LUST sites. The DNR had closed 166 LUST sites since October 1, 2005, passing their USEPA goal of 150. He stated that DNR staff had recently met regarding the water well authority issue, and they had met with Des Moines Water Works to provide them with digitized plumes, so they may avoid plastic water line placement in those areas within the city of Des Moines.

## **PROGRAM BILLINGS**

Mr. Scheidel presented the current monthly billings to the Board for approval.

1. Aon Risk Services .....\$ 112,830.33  
Consulting Services – October 2006 (\$62,750.00)  
Claims Processing Services – October 2006 (\$50,080.33)
2. Attorney General's Office .....\$17,002.57  
Services provided for Underground Storage Tank Program  
July and August 2006 billing
3. State Auditor's Office .....\$4,544.76  
Audit Services of FY 2005 completed during FY 2006
4. Aon Risk Services .....\$456.91  
Reimbursement for The I-80 Kitchen charges for the  
Annual Strategic Planning Session held August 24, 2006

5. Stephen Larson.....\$105.74  
Travel to the Annual Strategic Planning Session of the Board  
held in Walcott, Iowa on August 24, 2006
6. James Holcomb.....\$110.84  
Travel to the Annual Strategic Planning Session of the Board  
held in Walcott, Iowa on August 24, 2006

No additional billings for outside cost recovery counsel were presented by the Attorney General's office for this meeting. On a motion by Ms. Christiansen and a second by Mr. Beech, the billings were approved by a vote of 4-0. Mr. Larson abstained from the discussion and the vote.

### **MONTHLY ACTIVITY REPORT**

Mr. Scheidel presented to the Board the August activity report, financials and opt-in report that were included in the Board packet for their review. Also a revision of the August monthly activity report was handed out to show the budget approval information, which had not been available when the Board packets were mailed.

### **ATTORNEY GENERAL'S REPORT**

Mr. Steward stated that he had nothing to report to the Board at this time.

### **CLAIM AUTHORITY**

Mr. Gastineau presented the following claim authority requests:

#### **1. Site Registration 8607445 – Kwik Shop, Ames**

This was a second Board report for a site that was classified high risk for groundwater vapor to sanitary sewers. The site had very tight soil, and the convenience store, which was constructed in the late 1980's, was set over the old tank pit. Site restrictions made aggressive actions difficult. At a corrective action conference, the following were agreed to be completed: 1) excavation to the extent possible, 2) passive wind turbine venting in backfill, 3) flush sewers, and 4) monitoring. Previous authority to \$130,000 had been granted, of which \$109,302.18 was expended to date. Additional authority to \$230,000 was requested for a possible corrective action design report (CADR) and implementation of the excavation and the passive vent system.

A motion to approve the claim authority was submitted by Mr. Beech and seconded by Ms. Christiansen. Approved 5-0.

#### **2. Site Registration 8601962 – Reinbeck Motor Company Inc., Reinbeck**

This site was classified low risk monitoring with free product recovery continuing since the 1980's. The product level was diminishing. Previous authority to \$75,000 had been granted, of



which \$85,899.81 was expended to date. Additional authority to \$130,000 was requested for a site monitoring report (SMR) and free product recovery (FPR).

Next, Ms. Christiansen submitted a motion to approve the claim authority, and Mr. Larson seconded the motion. Approved 5-0.

**3. Site Registration 7910555 – LJS Restaurant Inc., Des Moines**

This site was classified high risk for soil vapor and groundwater to two PVC repair patches of city main. The proposed action was to replace the PVC patches and excavate. A fiber optic line and other utilities would make it uncertain whether or not all soil greater than site-specific target levels (SSTL's) could be excavated. Previous authority to \$75,000 had been granted, of which \$10,295.00 was expended to date. Additional authority to \$150,000 was requested for a SMR, and implementation of PVC replacement and excavation.

A motion to approve the claim authority was submitted by Ms. Christiansen and seconded by Mr. Larson. Approved 5-0.

**4. Site Registration 7910551 – Pottawattamie Development Corp, Council Bluffs**

This site was high risk for residential basement and non-residential sewer receptors. The site was highly contaminated. The County was in the process of removing existing structures from the site, making an excavation the best alternative. Eventually, structures, including sewers, would be reinstalled in the contaminated areas. Iowa Department of Transportation right-of-ways would prevent the removal of all contamination, thus follow-up remediation might be necessary. Previous authority to \$75,000 had been granted, of which \$35,143.34 was expended to date. Additional authority to \$650,000 was requested for a SMR and implementation of an excavation.

A motion to approve the claim authority was submitted by Mr. Larson and seconded by Ms. Christiansen. Approved 5-0.

**5. Site Registration 8603250 – Al's Corner Oil Co., Humboldt**

This site was classified high risk for soil leaching to groundwater ingestion for one public supply well. The site was also low risk for the groundwater ingestion to a protected groundwater source pathway. Tier III monitoring had been proposed. Previous authority to \$75,000 had been granted, of which \$83,654.01 was expended to date. Additional authority to \$160,000 was requested for a SMR and implementation of the Tier III.

A motion to approve the claim authority was submitted by Ms. Christiansen and seconded by Mr. Larson. Approved 5-0.

**6. Site Registration 8914262 – David Goodman, Council Bluffs**

This site was classified as high risk for groundwater vapor, soil leaching to groundwater vapor,

and soil vapor to residential and non-residential basements and residential sewers. The site had free product. A pilot test completed at the site had indicated that a system without a prior excavation would not be very successful. Therefore, an excavation was planned and might need to be followed up by a soil vapor extraction/air sparge (SVE/AS) system. Previous authority to \$75,000 had been granted, of which \$53,954.16 was expended to date. Additional authority to \$500,000 was requested for a SMR, a CADR, FPR and implementation of the excavation.

A motion to approve the claim authority was submitted by Mr. Beech and seconded by Ms. Christiansen. Approved 5-0.

#### **7. Site Registration 8603869 – Casey’s Marketing Company, Glidden**

This site was classified as high risk for soil vapor, soil leaching and groundwater to plastic water line pathways. At the corrective action conference, it was agreed to remediate with chemical oxidation in hopes of reclassifying all soil pathways. Plastic water line replacement may or may not be required afterward, depending on the contaminant levels achieved. The plastic water line pathway had the lowest SSTL. Previous authority to \$75,000 had been granted, of which \$68,539.10 was expended to date. Additional authority to \$185,000 was requested for a SMR, CADR, and implementation of the CADR.

A motion to approve the claim authority was submitted by Mr. Larson and seconded by Ms. Meier. Approved 4-0. Mr. Beech abstained from the discussion and the vote.

#### **8. Site Registration 8601176 – Robertson DX, Barnes City**

This site was classified as high risk for groundwater ingestion and soil leaching for 4 water wells, a recently installed plastic water line, and surface water. The Board report for this site, presented in October 2005 and May 2006, was deferred while attempts were made to reclassify or close the water wells. Two well owners have indicated an unwillingness to close their wells, one well was associated with an abandoned property, and one well was a municipal well, now used for non-drinking water purposes.

Per the Board’s request in May 2006, ideas were solicited from groundwater professionals on how to address this site. Two options were available: contaminant removal by excavation or Tier III monitoring to reclassify the receptors. Simultaneous to obtaining the opinions, DNR agreed to a monitor-only approach that would require implementation of a two-year monitoring program. The plan also would require documentation to be provided to show that the municipal water well would not be impacted, and that the site was not the source of the surface water impact detected earlier in the year.

Previous authority to \$75,000 had been granted, of which \$53,276.12 was expended to date. Additional authority to \$90,000 was requested. Projected costs to comply with the monitoring program were in the range of \$18,000 to \$30,000. Projected costs for an excavation followed by monitoring until SSTL’s were met would range from \$75,000 to \$200,000+. The Administrator’s Office recommended the DNR monitoring program be implemented.

Mr. Gastineau stated that the municipal well receptor for this site was still classified as a drinking water well by the DNR. He explained that the City had issued a letter to DNR stating that the municipal well would not be used for drinking water, but rather for fire protection only. He said the DNR had requested instead that the City provide written assurance that they will notify both the UST/LUST Section and the Water Supply Section, who regulates the well, if and when they intend to use the well for drinking water again. Because the City was not involved directly with this site, Mr. Gastineau stated that it was difficult to request additional action from them. He recommended the Board approve the DNR monitoring program funding.

Mr. Scheidel inquired if the well receptors might be eliminated from the simulated plume upon recalibration of the RBCA model sometime after the DNR monitoring program may be implemented at this site. Mr. Gastineau replied that it was possible. He stated the primary receptor for the site was the abandoned property well, and potential buyers of this property had indicated they would close the water well on site after they take possession.

A motion to approve the authority for the DNR monitoring program costs to \$90,000 was submitted by Mr. Beech and seconded by Ms. Christiansen. Approved 5-0.

#### **9. CRPCA 9804-13: Greeley**

This state lead project was originally contracted in 1998 to address contamination at one site in Greeley, Iowa. The site was classified as high risk due to the proximity of multiple private water wells. A public water system did not exist in the area. An excavation completed in 2002 had been limited due to the location of the on-site underground storage tank (UST). Since 2002, monitoring had been ongoing to assess the remaining contamination.

Recently, the Administrator's Office was notified of the site owner's desire to remove the UST, and upon doing so, an excavation might be possible to remove a majority of the remaining contaminants. In an effort to continue the required site monitoring activities and to consider the option to complete an excavation yet this year, additional funding was necessary. Additional Board authority to \$300,000 was requested for the project to complete the excavation and continue monitoring at the site.

A motion to approve the change order for the project authority was submitted by Ms. Meier and seconded by Mr. Larson. Approved 5-0.

#### **CONTRACTS ENTERED INTO SINCE THE AUGUST 24, 2006 BOARD MEETING**

The Board had entered into two contracts or agreements since the August 24, 2006 meeting.

1) The Board entered into a reimbursement agreement with the Department of Justice for legal services from the Attorney General's Office for fiscal year 2007. 2) The Board entered into a one-year extension of the Administrator's contract with Aon Risk Services for administration of the Iowa UST Fund Program through December 31, 2007.

## **OTHER ISSUES**

Mr. Scheidel reminded the Board that one of the provisions of the statute passed regarding the aboveground storage tank (AST) claims program was that the Board would assist the Fire Marshal in the development or upgrade of their database for AST registration. Previously, the Fire Marshal's office had applied to IowAccess for funding for this project; however Mr. Scheidel received a phone call from the Fire Marshal stating they had gone over their budget. Mr. Scheidel had agreed to meet with the Fire Marshal regarding this issue, which may be presented to the Board next month in the form of a request for funding.

Jeff Hove from the Petroleum Marketers and Convenience Stores of Iowa (PMCI) thanked the Board for their consideration and discussion of the loss portfolio transfer idea for sites with shared funding from PMMIC. He stated that PMCI members had expressed to him that working with two different funding sources had proved problematic for them. Mr. Hove also suggested the Board might consider seeking assistance from the Iowa League of Cities to help the Board approach municipalities regarding various site issues of contention. He suggested that the Board present to the League the benefits of cooperating with the Board, which might lead to the education of municipalities about the UST Program to foster a more collaborative effort to address LUST sites in their cities.

Mr. Scheidel stated the next Board meeting was scheduled for Thursday, October 26, 2006 at 10 A.M.

## **CORRESPONDENCE AND ATTACHMENTS**

Ms. Burke Boston asked if there was any further business, and there being none, Mr. Beech moved to adjourn, and Ms. Meier seconded the motion. By a vote of 5-0, the Board adjourned at 11:35 A.M.

Respectfully Submitted,

A handwritten signature in black ink, reading "Scott M. Scheidel". The signature is written in a cursive, flowing style.

Scott M. Scheidel  
Administrator